IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN **SOUTHERN DIVISION**

JAMES DORSEY and RODNEY SMITH, on Behalf of Themselves and All Others Similarly Situated,

Case No. 2:13-cv-10412-JAC-LJM

JUDGE JULIAN ABELE COOK, JR.

Plaintiffs,

V.

TRUGREEN LIMITED PARTNERSHIP; TRUGREEN, INC.; TRUGREEN LAWNCARE; TRUGREEN OF DELAWARE, INC; AND SERVICEMASTER,

Defendants.

STIPULATED MOTION TO DISMISS JAMES DORSEY AND MEMORANDUM IN SUPPORT

NOW COME the Plaintiffs and Defendants, and hereby stipulate and jointly move this Honorable Court to dismiss the claims of Plaintiff James Dorsey, to drop Mr. Dorsey as a Plaintiff, and to amend the caption to reflect that Plaintiff Rodney Smith is the sole named plaintiff in this action. In support of this stipulation, the Parties state and agree as follows:

- 1. Plaintiff James Dorsey is subject to an arbitration agreement known as the 2012 We Listen Plan, pursuant to which he is required to arbitrate his claims asserted in this action, rather than pursing such claims in this Court.
- 2. Mr. Dorsey should therefore be dismissed from this action pursuant to Rule 41 of the Federal Rules of Civil Procedure so that he may pursue his claims in arbitration, in accordance with the 2012 We Listen Plan.
- 3. The parties agree that the complaint filed in this action shall be accepted as Mr. Dorsey's initiation of his claims for purposes of Paragraph 11 of the 2012 We Listen Plan,

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which provides that the statute of limitations will be tolled upon initiation.

4. The caption of this action should be amended to reflect the dismissal of Mr. Dorsey (and the prior dismissal of TruGreen LandCare, LLC) as follows:

Rodney Smith,

on behalf of himself and all others similarly situated,

Plaintiff,

VS.

TruGreen Limited Partnership; TruGreen, Inc.; TruGreen LawnCare; TruGreen of Delaware, Inc.; and ServiceMaster,

Defendants.

WHEREFORE, the parties respectfully request that the Court dismiss James Dorsey as a plaintiff and drop him from this action, and amend the caption.

Respectfully submitted,

/s/ Galvin B. Kennedy

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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2013, the foregoing Stipulated Motion to Dismiss James

Dorsey and Memorandum in Support was electronically filed. Notice of this filing will be sent by

operation of the Court's electronic filing system to all parties indicated on the electronic filing

receipt. Parties may access this filing through the Court's system.

/s/ Shannon K. Patton

Shannon K. Patton